

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EXPRESS, LLC	:	Civil Action No. 07-CV-11410 (AKH)
Plaintiff	:	<b>DEFENDANTS' SECOND</b>
vs.	:	<b>MOTION FOR EXTENSION OF TIME</b>
	:	<b>TO RESPOND TO THE COMPLAINT</b>
	:	
CLOTHING FOR MODERN TIMES LTD.	:	
d/b/a URBAN BEHAVIOR and	:	
CMT AMERICA CORP.,	:	February 5, 2008
Defendants	:	

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The Defendants, Clothing for Modern Times Ltd. d/b/a Urban Behavior and CMT America Corp., respectfully move for an extension of time until February 27, 2008 within which to file a responsive pleading to the Plaintiff's Complaint dated December 19, 2007.

The Defendant, Clothing for Modern Times Ltd. d/b/a Urban Behavior, was served the complaint on December 20, 2007, and an answer would originally have been due on January 9, 2008. The Defendant, CMT America Corp, was served the complaint on January 2, 2008 and an answer would originally have been due January 22, 2008.

This is the Second Motion for Extension of Time filed by the Defendants with respect to the date for filing an answer or motion addressed to the Complaint. The Defendants' first Motion for Extension of Time to Respond to the Complaint (the "First Motion") was filed on January 22, 2008, and sought an extension of the time to respond until February 6, 2008.

Counsel for the Plaintiff consented to the First Motion. The First Motion is currently pending before the Court.

Counsel for the Plaintiff, Frank J. Colucci, Esq., also consents to this second requested extension of time to file a responsive pleading to the Plaintiff's Complaint.

No other dates have been scheduled after the original date for a responsive pleading, and no modified schedule is required.

WHEREFORE, the Defendants, Clothing for Modern Times Ltd. d/b/a Urban Behavior and CMT America Corp., respectfully request an extension of time until February 27, 2008 within which to file a responsive pleading to the Plaintiff's Complaint dated December 19, 2007.

THE DEFENDANTS,  
CLOTHING FOR MODERN TIMES LTD. d/b/a  
URBAN BEHAVIOR AND CMT AMERICA CORP.,

By /s/ Thomas W. Witherington  
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*Attorneys for the Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 5<sup>th</sup> day of February, 2008 a copy of the foregoing Appearance was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/s/ Thomas W. Witherington  
Thomas W. Witherington